

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE HOUSE OF REPRESENTATIVES

COAL INDUSTRY LEGISLATION AMENDMENT BILL 1992

EXPLANATORY MEMORANDUM

(Circulated on the authority of the Minister for Industrial
Relations, Senator Peter Cook)

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OUTLINE

The Bill, together with complementary New South Wales legislation, will enable the rationalisation of arrangements for providing administrative support to the Coal Industry Tribunal and Local Coal Authorities established by the Tribunal.

The proposed changes will build on reforms made to the operation of the Joint Coal Board following the passage of the Coal Industry Amendment Act 1992. That Act altered substantially the powers, functions and responsibilities of the Joint Coal Board.

Further to those reforms, this Bill will amend the Coal Industry Act 1946 and the Industrial Relations Act 1988 to transfer the function of providing administrative support for the Coal Industry Tribunal and Local Coal Authorities from the Joint Coal Board to the Industrial Registry. The Bill will also amend the Audit provisions of the Coal Industry Act 1946 to bring the audit and reporting requirements for the Joint Coal Board into line with current practice required of other Commonwealth agencies and authorities.

The amendments concerning the provision of administrative support to the Coal Industry Tribunal will not alter the Tribunal's powers and functions.

Financial Impact Statement

It is anticipated that the absorption of the administrative support function by the Australian Industrial Registry will have no immediate financial impact. The physical co-location of Tribunal and Registry staff is separately funded and is proceeding independently as part of the Government's program for the 'Rationalisation of State and Federal Industrial Relations Systems'.

In the longer term, integration is expected to produce some efficiency gains and minor cost savings.

Notes on Clauses

Clause 1: Short title

The short title of the Act is given.

Clause 2: Commencement

It is anticipated that the legislation will come into effect from 1 December 1992.

Clause 3, which provides for the transfer of the administrative support function from the Joint Coal Board to the Industrial Registry, cannot come into effect until complementary legislation has been enacted by the New South Wales Parliament. Subclause 2(3) provides that if clause 3 has not been proclaimed within 12 months of the date of Royal Assent, the section is automatically repealed on the first day after the end of that 12 month period.

Those provisions dealing with changes to the audit and reporting requirements that must be met by Joint Coal Board are also dependent on the passage of complementary State legislation. Subclause 2(4) provides that clause 4 is to come into effect, if at all, on a date to be set by proclamation. If clause 4 has not been proclaimed within 12 months of the Act receiving Royal Assent, the section is automatically repealed on the first day after the end of that 12 month period.

Clause 3: Amendments relating to the provision of administrative support for the Coal Industry Tribunal and Local Coal Authorities

Schedule 1

Subsection 28K, Subsections 37(2) and (2A) are to be amended and Section 40 of the Coal Industry Act 1946 is to be repealed thereby ending the Joint Coal Board's responsibility for providing administrative support for the Coal Industry Tribunal.

A new Division is to be inserted into Part IV of the Industrial Relations Act 1988 to confer on the Australian Industrial Registry the power and responsibility for providing administrative support to the Coal Industry Tribunal and Local Coal Authorities.

New section 78A defines a number of terms used frequently in the new Division.

New section 78B refers to the joint legislative scheme constituted by the Industrial Relations Act 1988 (Commonwealth) and the Coal Industry Act 1946 (New South Wales) for the provision, through the Australian Industrial Registry, of administrative support for the Coal Industry Tribunal and Local Coal Authorities.

New section 78C will make the Australian Industrial Registry, the Registrar and each Deputy Industrial Registrar responsible for providing, within the limits of powers conferred by the Commonwealth, administrative support to the Coal Industry Tribunal and Local Coal Authorities.

In performing his or her functions under this Division, each Deputy Registrar is subject to the directions of the Industrial Registrar.

New section 78D will make provision for complementary powers and functions to be conferred on the Industrial Registry, the Industrial Registrar and each Deputy Registrar by way of parallel amendments to the Coal Industry Act 1946 (New South Wales).

New section 78E will oblige the Industrial Registrar to have regard to the requirements of the Coal Industry Tribunal and Local Coal Authorities in managing and allocating the Registry's resources.

Clause 4: Amendments relating to audit of Joint Coal Board

Schedule 2

In subsection 28N(2) it is proposed to add "Commonwealth" before "Minister" to differentiate between the Commonwealth and State Ministers.

Existing subsection 28N(3) specifying the contents of the Joint Coal Board's Annual Report is to be replaced by a new subsection which specifies the matters for inclusion with more clarity and which, by way of new subsection (4), places a requirement on the Board to submit its financial statements to the Auditor-General for report to Ministers, prior to the Board submitting its Annual Report to the Commonwealth and State Ministers.

Subsection 28N(5) will require the Commonwealth Minister to cause Auditor-General's reports to be laid before each House of Parliament within 21 sitting days of that House after receiving that report.

Subsection 28T(4) presently requires the Auditor-General's report on the Board's accounts and records of financial transactions to be tabled in each House within 21 sitting days of receipt by the Minister.

This subsection is to be omitted in view of the requirement, now incorporated in subsection 28N(5), for the Auditor-General's report on the Board's financial statements to be tabled within 21 days of receipt by the Minister.

